

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

RYAN GAW, )  
                  )  
                  )  
Petitioner,     )  
                  )  
                  )  
v.               ) 1:25CV146  
                  )  
                  )  
WARDEN,          )  
                  )  
                  )  
Respondent.     )

ORDER AND RECOMMENDATION

Petitioner, a federal prisoner, submitted a Petition seeking a writ of habeas corpus under 28 U.S.C. § 2241 in which he challenges the calculation of his current sentence by the United States Bureau of Prisons. Petitioner did not submit an *in forma pauperis* application, pay the applicable filing fee, or use the proper form for his Petition. The Petition can be dismissed without prejudice for these reasons. Moreover, a § 2241 action challenging the execution of the sentence of a petitioner in physical custody within the United States, the petition should be filed in the district court of the district where the petitioner is in custody. See Kanai v. McHugh, 638 F.3d 251, 255 (4th Cir. 2011) (citing Rumsfeld v. Padilla, 542 U.S. 426, 446-47 (2004)). The Court notes that Petitioner is incarcerated at LSCI Butner which is located in the Eastern District of North Carolina. Therefore, Petitioner's request should be dismissed without prejudice to him filing his Petition in the district where he is confined. He may request the § 2241 forms from the Clerk's Office in that district. The address for the Clerk is: 310 New Bern Avenue, Room 574, Raleigh, NC 27601.

*In forma pauperis* status is granted for the sole purpose of entering this Order and Recommendation of dismissal without prejudice to filing a new petition in the proper district.

IT IS THEREFORE ORDERED that *in forma pauperis* status is granted for the sole purpose of entering this Order and Recommendation.

IT IS THEREFORE RECOMMENDED that this action be dismissed *sua sponte* without prejudice to Petitioner filing in the proper district.

This, the 14th day of March, 2025.

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/s/ Joe L. Webster  
United States Magistrate Judge